

# Notice of Allowability

Application No.

10/027,261

Examiner

Sandra M. Nolan

Applicant(s)

FISH ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 21 June 2004.
2. ☒ The allowed claim(s) is/are 1, 3-31 and 42-45.
3. ☒ The drawings filed on 11 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



**SANDRA M. NOLAN**  
**PRIMARY EXAMINER**

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The base claims, claims 1 and 22, can be summarized as follows:

Claim 1 covers a laminate comprising:

- an inner substrate that ruptures upon application of longitudinal tensile force,
- extensible first and second outer substrates, wherein the inner substrate is between and bonded to the first and second outer substrates to define one or more pockets having upper and lower pocket regions, wherein the tensile force applied does not rupture the first and second substrates,
- a first reactant contained in the upper pocket region, and
- a second reactant contained in the lower pocket region,

wherein the first and second reactants can intermix when the inner substrate is ruptured and the intermixing causes an endothermic or exothermic reaction.

Claim 22 covers a laminate comprising:

- an inner substrate that ruptures upon application of longitudinal tensile force,
- first and second outer substrates that are capable of extending at least 30% in the longitudinal direction without rupturing upon application of the tensile force, wherein the inner substrate is between and bonded to the first and second outer substrates to define one or more pockets aligned in series with each pocket having upper and lower pocket regions,
- a first reactant contained in the upper pocket region of at least a portion of the pockets, and
- a second reactant contained in the lower pocket region of pockets that contain the first reactant,

wherein the first and second reactants can intermix when the inner substrate is ruptured and the intermixing causes an endothermic or exothermic reaction.

3. The prior art of record fails to teach or suggest laminates having all of the features of claims 1 or 22.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Rejoinder of Claims at Applicants' Request

5. At applicants' request, claims 4-5, 13-14 and 23 have been rejoined with the other claims in view of the allowance of the generic claims from which they depend.

6. The examiner has changed their captions to indicate that they are "original".

**Conclusion**

Any inquiry concerning this communication should be addressed to Sandra M.

Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



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10027261(20040828)

**SANDRA M. NOLAN**  
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